

TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
(508) 839-5335 • FAX (508) 839-4602
www.grafton-ma.gov

2020 AUG 17 AM 11:33

**DISABILITY COMMISSION
(Regular Meeting)**

AGENDA / MEETING NOTICE

Thursday, August 20, 2020 – 6:30 p.m.

Zoom Conference Link to join the webinar:

<https://us02web.zoom.us/j/83843100939?pwd=TjJVRUJPWklkWUVSSE44OEpFaU9Sdz09>

Or Telephone: Dial: US: +1 646 876 9923

Webinar ID: 848 4310 0939

Passcode: 200398

A copy of the Grafton Public Meeting Remote Participation Guidelines, dated March 24, 2020 is attached to this agenda for reference. Please review the guidelines prior to joining the remote public meeting. We will be fielding questions via Chat feature. Also, written comments may be directed to disabilitycommission@grafton-ma.gov

1. Announcements

2. Public Comments Received

- a. Scott Ricker (reli-Abilities) 7/26/2020 – accessibility complaint filed regarding Grafton Land Trust Ekblaw walking path and parking (bottom of Wheeler Road, N. Grafton, MA).
- b. Scott Ricker 7/26/2020 – communicated benefits of having an accessible parking space at Roney Park (Bridge Street, N. Grafton, MA).
- c. Scott Ricker 8/3/2020 - complaint filed regarding accessible parking being encroached due to recent outdoor dining set up:
 - i. 122 Pub (215 Worcester Street, N. Grafton, MA)
 - ii. Post Office Pub (1 Ray Street, N. Grafton, MA)

3. Grafton ADA Self-Evaluation and Transition Plan

<https://www.grafton-ma.gov/disability-commission>

Discussion and agreement on working group and process for continuing the breakdown of Grafton's Self-Evaluation and Transition Plan.

4. Recreation Department CPC Application for October 2020 Town Meeting

Project Proposal: ADA Accessible Routes and Surfacing in Parks and Playgrounds; submitted by Jen Anderson – Director, Recreation Department.

5. Minutes

(5/21/2020 and 7/16/2020)

6. Old Business

- a. 7/23/2020 call with Roger Trahan, Daryl Rynning and Jeffrey Dougan (MA Office on Disability). Mr. Dougan subsequently emailed resource links and documents for a future meeting discussion.
- b. Grafton Celebrates the Holidays 2020 – accessibility of venues, including accommodations for those with sensory issues.

7. New Business

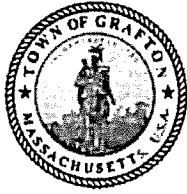
- a. Municipal ADA Improvement Grant Program (FY 21 Grant Cycle)
(Application submission period 8/10/20 – 10/9/2020)

8. Next Meeting

(3rd Thursday regular schedule would be September 17, 2020 at 6:30p.m.)

Adjourn

Roger R. Trahan Jr., Chair
(508-335-0507, rtrahanjr@hotmail.com)



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PUBLIC MEETING REMOTE PARTICIPATION GUIDELINES

March 24, 2020

Pursuant to Governor Baker's March 12, 2020 Order Suspending Certain Provisions of the Open Meeting Law, G.L. c. 30A, §18, and the Governor's March 15, 2020 Order imposing strict limitations on the number of people that may gather in one place, the various Boards and Committees representing the Town of Grafton will conduct their public meetings and hearings via remote participation. No in-person attendance of members of the public will be permitted.

In Advance of Meetings:

- All non-emergency items are still required to be properly posted at least 48 hours in advance of the meeting. This is still done by contacting the Clerk's Office.
- All members should receive the same documents for the meeting electronically
- Supporting documents should be posted on the Town website and be available for members of the public.
- For meetings with public participation, encourage written public comments.

Essential Components for Remote Meetings:

- Access to participate for a quorum of committee members at the time of the meeting.
- Ability to take minutes which accurately reflect the meeting and the votes taken.
- Ability to record meeting for playback (this is not required under the order, but is preferred)
- Ability to allow for real-time public participation/comments (this is not required under the order, but is preferred)
- Meetings with public hearings must provide access for third party participation to all members of the committee.

Identifying the Proper Medium to Conduct Meetings:

While we are suspending the use of Municipal Center Conference Rooms and the local broadcasting equipment, there are alternatives for Boards and Committees to consider. Below are a few options available to Committees. There may be alternatives that members are more comfortable using which will be permitted so long as the essential components for all meetings are met through use of that medium.

- *Executive Town of Grafton Zoom Account with Webinar Functions* – this account was purchased by the Town Administrator's Office and has a webinar function for hosting meetings that require public participation/third party access for participation. This method is currently the preferred method and should be used by Boards and Committees that have hearings and require third party participation through public comments or from applicants seeking permits. (includes but is not limited to: Select Board, Planning Board, ZBA, CPC, School Committee, Conservation Commission)
 - At this time, the Town only has one executive host account with a webinar feature. If you wish to use the executive zoom account with webinar feature, you may need to schedule meetings at different times/days than your board typically meets to ensure no conflict with other meetings.
- *Standard/Free Zoom Accounts* – Anyone can access a free zoom account with up to 100 participants for a maximum 40-minute meeting. This function will allow for Boards and Committees to record their meetings for future playback and the ability to share screens. Please note that there are several systems available that offer similar abilities and any of them can be used for this purpose. (ex. Google Meet, Skype for Business, Microsoft Teams, etc.)
- *Free Conference Call Line*- For Boards and Committees that typically do not have recorded meetings and require little third-party interaction, the free conference call line is an option. This option does not have a record feature so accurate minute taking is critical.
- *Local Cable Access*- Currently, the town is not allowing for local cable access broadcast through the conference rooms in the Municipal Center. However, to the extent possible, local cable will be used if it is accessible and safe for staff, committee members, and members of the public.

Use of Zoom for Remote Access to Public Meetings

Zoom Video Communications, Inc. ("Zoom") can be used for remote conferencing services to allow for remote access to public meetings. Access numbers and web addresses will be provided as part of each meeting's agenda posted to the town calendar on the homepage of Grafton's website, www.grafton-ma.gov.

Meetings can be accessed from your personal computer, cellphone and/or telephone. It is anticipated that most Board and Committee meetings will continue to be broadcasted by Grafton Access Television through Zoom's "Record" feature.

Protocols for Remote Public Meetings Using the Webinar Feature

- All participants entering the meeting via a personal computer ("computer participants") are required to rename themselves with their official first and last name.
- Computer participants are encouraged to click on the "Participants" feature in Zoom to view all participants and to view/use the "Q&A" function to pose questions on the bottom of the screen.
- Computer participants may "Pin" to a particular video screen.
 - It is recommended to "Pin" to the staff member associated with the committee, or in the case where there is no staff member, to the Chairperson. This can be done by right clicking over the three (3) dots symbol in the top right corner of the staff/Chair's video screen.
- The Chair or present support staff should adhere to the script provided as an attachment to this document for the purpose of properly recognizing members and providing information to the public. (This script is a draft/guide and should be tailored to your needs)
- The Chairman will identify him or herself.
- The Chairman will conduct a roll call of the Board.
- The Chairman will call the meeting to order.
- All participants (excluding Board members) will be muted throughout the meeting and must use the Q&A function.
- All participants are required to include their name and address when using the chat feature to pose a question through the Chairperson.
- All documents displayed throughout the meeting will be controlled by the present staff member or Chairperson.
 - Only computer participants will be able to view documents.
- If and when the Chairman allows for public comments/questions, it will be conducted in the following sequence:

1. The Chairman will read public comments/questions received in advance of the meeting followed by real-time Board and/or applicant responses.
 2. The Chairman will read real-time comments/questions typed by computer participants in the “Q&A” feature followed by real-time Board and/or applicant responses.
 - Computer participants must click on “Q&A” to enter their comment/question.
 - The staff or Chair will address the question live to the Board. It will be discussed and then marked “answered” by the staff or Chair.
 3. The Chairman will ask if any other participants accessing the meeting have comments/questions.
- Board members needing to be recused at any point during the course of a meeting will be placed in a virtual “Waiting Room” by the staff person or Chairperson.

Directions to access meetings will be posted on agendas for the public when available.

Agenda Item 2 –

Public Comments Received

8/20/2020
Agenda Item 2a.

Fw: Grafton Land Trust Ekblaw Sanctuary walking path improvements at the corner of wheeler Rd & Rt 122 Worcester St in Grafton

Reli Abilities <reli.abilities@yahoo.com>

Sun 7/26/2020 5:38 AM

To: Jr Roger Trahan <rtrahanjr@hotmail.com>

Dear Roger,

I am forwarding the Grafton ADA Commission this email which I sent to Grafton Building Inspector Robert Berger. It appears, but I do not have any documentation verifying this, but it appears that some different ground surface material was installed after my initial email to Mr Berger. The replacement ground material at the entrance point of Gummere Woods off of Wheeler Road does not meet the requirements of 521CMR chapter 19 section 19.6.1 i.e. it is not hard packed creating a smooth surface. Gummere Woods is a walking trail adjacent to the Quinsigamond River at the corner of Rt 122 & Wheeler Rd. The replacement material, if the original material was replaced, is much larger crushed stone and is porous in nature.

Also, an Accessible (HP) parking space with an 8' (eight foot) Access aisle and an (HP) sign including a Van Accessible sign shall be provided at this location per Title II of the Americans with Disabilities Act.

Please be aware a formal complaint has been filed with the Massachusetts Architectural Access Board per 521CMR according to that agencies jurisdiction and authority, i.e. Work Performed chapter 3 section 3.3.1a and chapter 5 Definitions i.e. Accessible Route. Please present this information to the Grafton ADA Commission accordingly.

Thank you,

Scott Ricker
reli-Abilities
Access = Opportunity

Sent from Yahoo Mail on Android

----- Forwarded Message -----

From: "Reli Abilities" <reli.abilities@yahoo.com>

To: "buildingdpt@grafton-ma.gov" <buildingdpt@grafton-ma.gov>

Cc: "Brann, Karen (REG)" <karen.brann@state.ma.us>, "Brann, Karen (REG)" <karen.brann@massmail.state.ma.us>, "Reli Abilities" <reli.abilities@yahoo.com>, "William Joyce" <william.joyce@massmail.state.us.ma>, "William (DPS)Joyce" <william.joyce@state.ma.us>, "William Joyce" <william.joyce@state.mass.us>

Sent: Wed, May 6, 2020 at 8:20 AM

Subject: Grafton Land Trust Ekblaw Sanctuary walking path improvements at the corner of wheeler Rd & Rt 122 Worcester St in Grafton

Dear Grafton Building Department,

I am writing your office on this 6th day of May 2020 to bring to your attention recent

improvements completed at the above mentioned location that in my opinion do not meet the requirements of the current edition of 521CMR chapter 3 & chapter 19 and chapter 20. This location is comprised of a view of the Quinsigamond River, an information sign and a walking area the extends into the woods along the Quinsigamond River and behind and along side Lake Ripple. Recently drainage improvements were completed at the entrance point of the Ekblaw Sanctuary walking area that included large size crushed granite stone and smaller size crushed stone which shifts when pressure is applied.

The entrance point to the foot path and the information sign area can be and should be fully Accessible via the recently improved main entrance point as has been indicated in this email. Chapter 3 section 3.3.1a applies per the work completed. Chapter 19 section 19.6.1 applies at the entrance point where the crushed granite material was completed. Chapter 20 section 20.1 & 20.8 applies per the surface material used at the entrance point which is not a hard packed smooth surface material or application.

I am requesting your office notify Grafton Land Trust, of which is the entity that has control of this facility, of the architectural Access concerns I have brought to your attention and require the material used be removed and a fully safe and architectural Access application be put in its place so everyone can use this area of Ekblaw sanctuary. Please respond back to this email that you have scheduled a site visit at this location to inspect the facility, and the Work Performed fails to meet and/or fully meets the most recent edition of the rules and regulations of 521CMR as mentioned in this complaint.

Thank you,

Sincerely,

Scott Ricker
reli-Abilities
Access = Opportunity

[Sent from Yahoo Mail on Android](#)

8/20/2020
Agenda Item 2b.

Roney Park off Bridge St

Reli Abilities <reli.abilities@yahoo.com>

Sun 7/26/2020 5:47 AM

To: Jr Roger Trahan <rtrahanjr@hotmail.com>

Cc: Reli Abilities <reli.abilities@yahoo.com>

Dear Roger and the Grafton ADA Commission,

I am writing the sitting ADA Commission requesting that an initiative is taken to install an Accessible (HP) parking space in the parking area at the above references location. An Accessible (HP) parking space would improve Access for individuals with disabilities while also meeting the Town of Graftons obligation per Title II of the Americans with Disabilities Act.

I look forward to a positive result regarding my concerns.

Scott Ricker

reli-Abilities

Access = Opportunity

[Sent from Yahoo Mail on Android](#)

8/20/2020
Agenda Item 2C.

122 Pub & Post Office Pub

Reli Abilities <reli.abilities@yahoo.com>

Mon 8/3/2020 7:43 AM

To: Bob Berger <bergerr@graffton-ma.gov>; William (DPS)Joyce <william.joyce@state.ma.us>; William Joyce <william.joyce@state.mass.us>

Cc: Jr Roger Trahan <rtrahanjr@hotmail.com>

Dear Inspector Berger,

I am writing your office requesting your enforcement of 521CMR chapter 3 section 3.3.1a and chapter 2 section 2.6 respectively.

At 122 Pub 215 Worcester St. North Grafton, MA approximately June 10, 2020 an outdoor seating area was installed directly adjacent to the entrance ramp including partially over the area that was designated Accessible (HP) parking. A few days after this the Accessible (HP) parking sign was moved to the left of the Accessible entrance but an Access aisle or a striped designated space was not completed. Per 521CMR chapter 3 section 3.3.1a this action is Work Performed and shall meet all pertinent aspects and required features in Chapter 23 of the current edition of 521CMR.

Chapter 23 includes a "Van" Accessible sign and an 8' Access aisle among other things, which the recently relocated Accessible (HP) parking space currently does not provide. I have seen multiple vehicles parking as to block the area to the left of the Accessible (HP) parking sign and in doing so make it impossible to use the Accessible (HP) parking for barrier free Access of the parking lot to gain Access to the restaurant. Please inform the owner of this restaurant and/or building to mitigate the Access barrier with proper striping of both an Accessible (HP) parking space and an 8' Access aisle and/or submit a Variance to the MA AAB seeking relief from the requirement of full compliance to 521CMR.

At Post Office Pub 1 Ray St. North Grafton an outdoor seating area was created approximately June 8, 2020. At this time at least two of the 4 Accessible (HP) parking spaces in this lot were consumed by the outdoor seating area including a barrier built to encompass this seating area. It appears at least 10 parking spaces were consumed by the creation of the outdoor seating area, which requires this parking lot to provide four (4) fully Accessible (HP) parking spaces (92 public parking spaces). Per chapter 2 section 2.6 of the current edition of 521CMR all areas created for public Access shall be maintained according to all aspects and chapters of 521CMR.

Currently there are two (2) lollies, ((HP) signs with concrete bases) that are at the front of two (HP) spaces and only one of these two (2) spaces has the required Access aisle, the other has no Access aisle. This parking lot serves Post Office Pub and at least one other business, this lot has 82 open and available parking spaces plus 10 in the area of the recently created outdoor seating area equals 92, with at least two overflow parking lots across the street from the Post Office Pub on Ray St.

I am requesting the Grafton Building Dept. complete a site visit at the two addresses in this email (215 Worcester St 122 Pub & 1 Ray St Post Office Pub) and require full compliance to the relevant chapters and sections of the current edition of 521CMR, or submit a Variance request to the MA AAB office in a timely manner.

Please inform me of any progress in resolving my concerns.

Thank you,

Scott Ricker
reli-Abilities
reli.abilities@yahoo.com
Access = Opportunity

Sent from Yahoo Mail on Android

Agenda Item 4 –

Recreation Department CPC Application for October 2020 Town Meeting

8/20/2020
Agenda Item #4

**Recreation Department CPC Application for October Town Meeting 2020
Project Proposal: ADA Accessible Routes and Surfacing in Parks and Playgrounds**

The Recreation Department has started the process to address ADA needs and improvements at its playgrounds and associated parks in accordance with the ADA transition plan the town had conducted in 2019.

There are six locations under the Recreation Facilities section of the document in which portions of properties are directly overseen by the Recreation Department and other portions that are helped managed in conjunction with the Parks Department. Locations include Perry Hill Park, Ferry St. Park, Airport Park, Norcross Park, Riverview Park, and Silver Lake Beach.

Although the plan includes many plumbing and small to medium contractor jobs, and work that can be handled internally by the Parks and DPW Departments, one of the largest and most prominent items to address is creating accessible routes in parks and to playgrounds, and providing accessible surfacing within the playgrounds.

Creating accessible routes and providing accessible surfacing in our parks and playgrounds is vital for us as a town and its residents. This would be an allowable use of CPA funds and meets many of the CPC's General and Recreation specific criteria.

Routes have been drawn up within the parks and to the playgrounds to reflect the recommendations and requirements in the plan. A variety of materials for both the routes and surfacing are being reviewed and quoted.

The Recreation Department recently received funding at June Town Meeting to begin tackling all its ADA needs and improvements and will be using that to see to the plumbing, licensed contractor work and amenity needs. It is anticipated that funds will be remaining after the conclusion of these projects to be able to apply towards the accessible routes and surfacing portion. We would not however, have enough funding to complete the entire project.

We are seeking funding from CPC to complete this ADA project. Initial findings are estimated to be approximately \$300,000 to complete the accessible routes and surfacing at all six locations. We will be applying for the PARC Grant for up to \$100,000 as well as a Mass. Office of Disability grant (potential amount is unknown at this time). We would also bring to the table any remaining funds from our existing funding after the other projects are contracted or complete, and believe it will be around \$50,000.

We are working on finalizing the costs on all portions of the plan and are planning to have the final cost and funding request to you for your review by your August meeting.

Please let us know if there is anything more we can provide at this time. Thank you for your consideration.



TOWN OF GRAFTON
GRAFTON MEMORIAL MUNICIPAL CENTER
30 PROVIDENCE ROAD
GRAFTON, MASSACHUSETTS 01519

COMMUNITY PRESERVATION COMMITTEE
Application for Community Preservation Funding
(Application Cover Page)

DATE: 7/15/20

APPLICANT NAME: TOWN OF GRAFTON RECREATION DEPT.

ADDRESS: 30 PROVIDENCE RD

PHONE: 508 839 5335 x1156 EMAIL: andersen.j@grafton-ma.gov

SITE INFORMATION

PROJECT NAME: ADA ACCESSIBLE ROUTES + SURFACING IN PARKS/PLAYGROUNDS

FULL ADDRESS: MULTIPLE LOCATIONS. PLEASE SEE ATTACHED.

ASSESSOR'S MAP _____ LOT# _____

PROPERTY OWNER'S NAME: TOWN OF GRAFTON

Deed recorded in the Worcester District Registry of Deeds in Book: _____ Page: _____

CPA CATEGORY (check all that apply)

Open Space _____ Historic Preservation _____ Recreation ☒ Community Housing _____

Total Project Cost \$300,000 CPA Funding Request \$250,000

Project Summary (a detailed description will be required with your supporting information)

PLEASE SEE ATTACHED.

Project Budget:

Fiscal Year	Total Project Cost	CPA Funds Requested	Other Funding Sources
2019	—	—	—
2020	—	—	—
2021	\$300,000	\$250,000	\$50,000 IN EXISTING FUNDS + GRANTS OF \$100K+
2022	—	—	—
2023	—	—	—
Total	—	—	—

For Community Preservation Committee Use:

Received: _____ Reviewed: _____ Approved Town Meeting: _____ Sunset Date: _____

Funding Rating General Criteria

The project must meet all the legal criteria of the Community Preservation Act. The project must be well documented and provide sufficient information to be feasible. The following criteria will be considered as the project is evaluated. However, meeting all of the criteria does not guarantee CPC support for the project. In addition to filling out the Funding Rating General Criteria, there are individual category rating criteria.

Answer each line as it applies (Yes/ No):

- Y 1.) Does the project have other sources of funding?
If so, indicate percentage: _____
- Y 2.) Does the project require urgent attention?
- Y 3.) Does the project serve a currently underserved population?
- N 4.) Does the project preserve a threatened resource?
- Y 5.) Is the project consistent with existing Grafton Planning Documents such as the Master Plan or Open Space Plan?
- Y 6.) Does the project fit within the current or already proposed zoning regulations?
- Y 7.) Does the project have a means of support for maintenance and upkeep?
- Y 8.) Does the project involve currently owned municipal assets?
- ____ 9.) Does the project have two other sources of funding? (POTENTIALLY 1 GRANTS AS 2ND SOURCE)
- N 10.) Does the project have more than two other sources of funding? POSSIBLY
- N 11.) Does the project involve two core concerns of the CPA?
- N 12.) Does the project involve all three-core concerns of the CPA?
- Y 13.) Does the project have community support?
- Y 14.) Does the project have sufficient supporting documentation?
- Y 15.) Does the project have support from another Board or Committee?
- Y 16.) Does the project provide a positive impact to the community?
- ____ 17.) Does the project have the support of the majority of immediate abutters? WOULD ASSUME
- N 18.) Does the project reclaim abandoned or previously developed lands?
- N 19.) Does the project require special permitting?

Recreation Criteria for Rating CPC Proposals

Answer each line as it applies (Yes/ No):

- Y 1.) Will the project be used by more than one age group?
- Y 2.) Can the project be used for more than one activity (multiuse)?
- Y 3.) Does the project require maintenance costs of less than \$1000 per year?
- N 4.) Does the project require maintenance costs of less than \$500 per year?
- Y 5.) Would more than 12 participants normally use the project at once?
- Y 6.) Would more than 20 participants normally use the project at once?
- Y 7.) Is this project the first of its kind in the town?
- N 8.) Is this project the first of its kind in the county?
- Y 9.) Can the project be used by the participants unsupervised by an adult?
- Y 10.) Are grants available to help pay for the construction?
If so, has application been made for the grant? _____
- N 11.) Can at least 10% of the cost be done by "In Kind Services"?
- N 12.) Can at least 25% of the cost be done by "In Kind Services"?
- Y 13.) Does the project include considerations for additional parking?
- Y 14.) Can the project be used more than 1 of the 4 seasons per year?
- Y 15.) Does the project match the look of the surrounding areas?
- Y 16.) Does the project include all normal safety considerations?
- Y 17.) Does the project meet all building and safety codes?
- Y 18.) Is the project accessible by pedestrians? ✓ cars? _____
- N 19.) Does the project take advantage of connections to other resources?



7/24/2020

Google Earth



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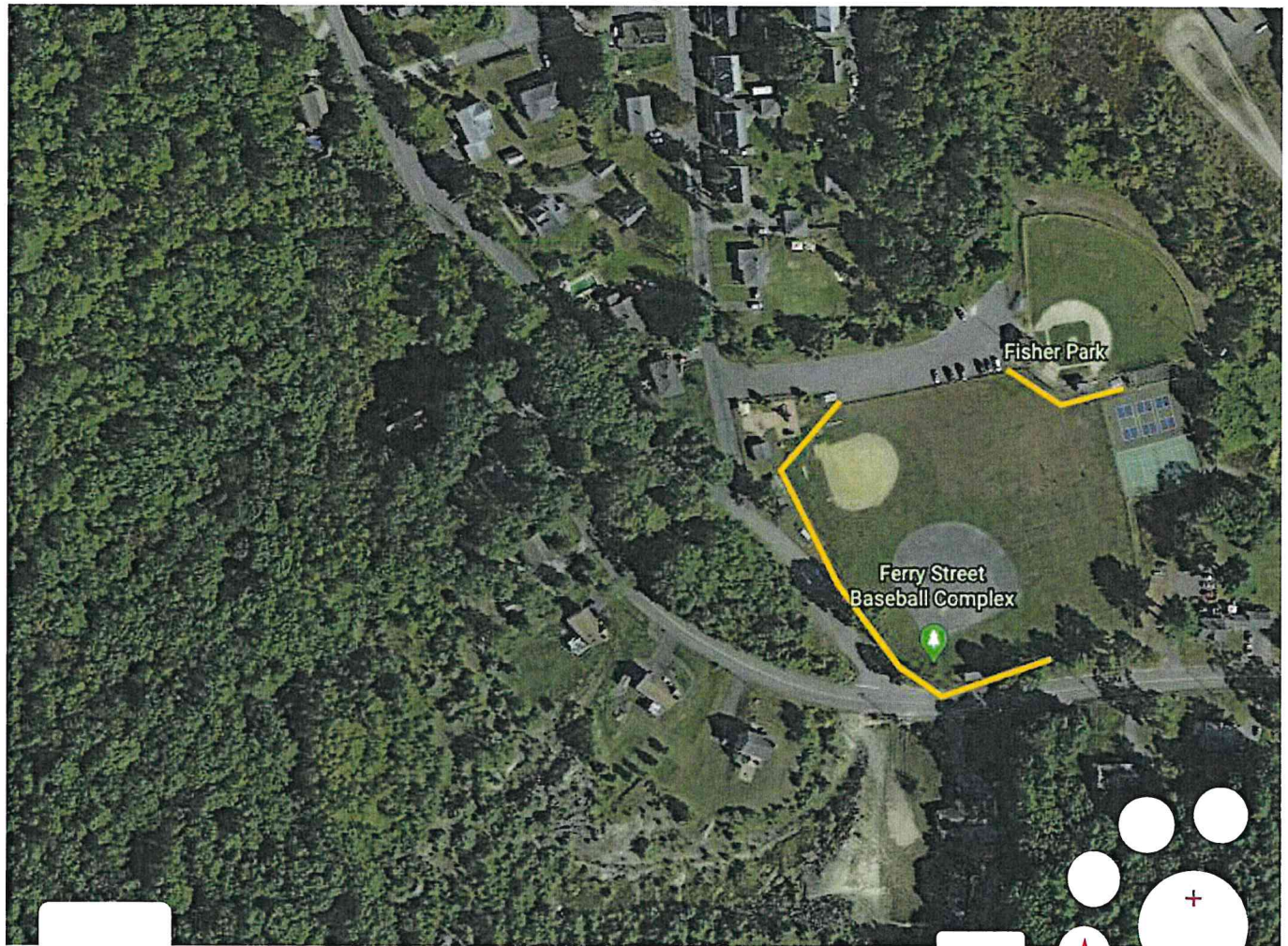
Camera: 512 m 42°13'35"N 71°42'59"W 152 m

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7/24/2020

Google Earth



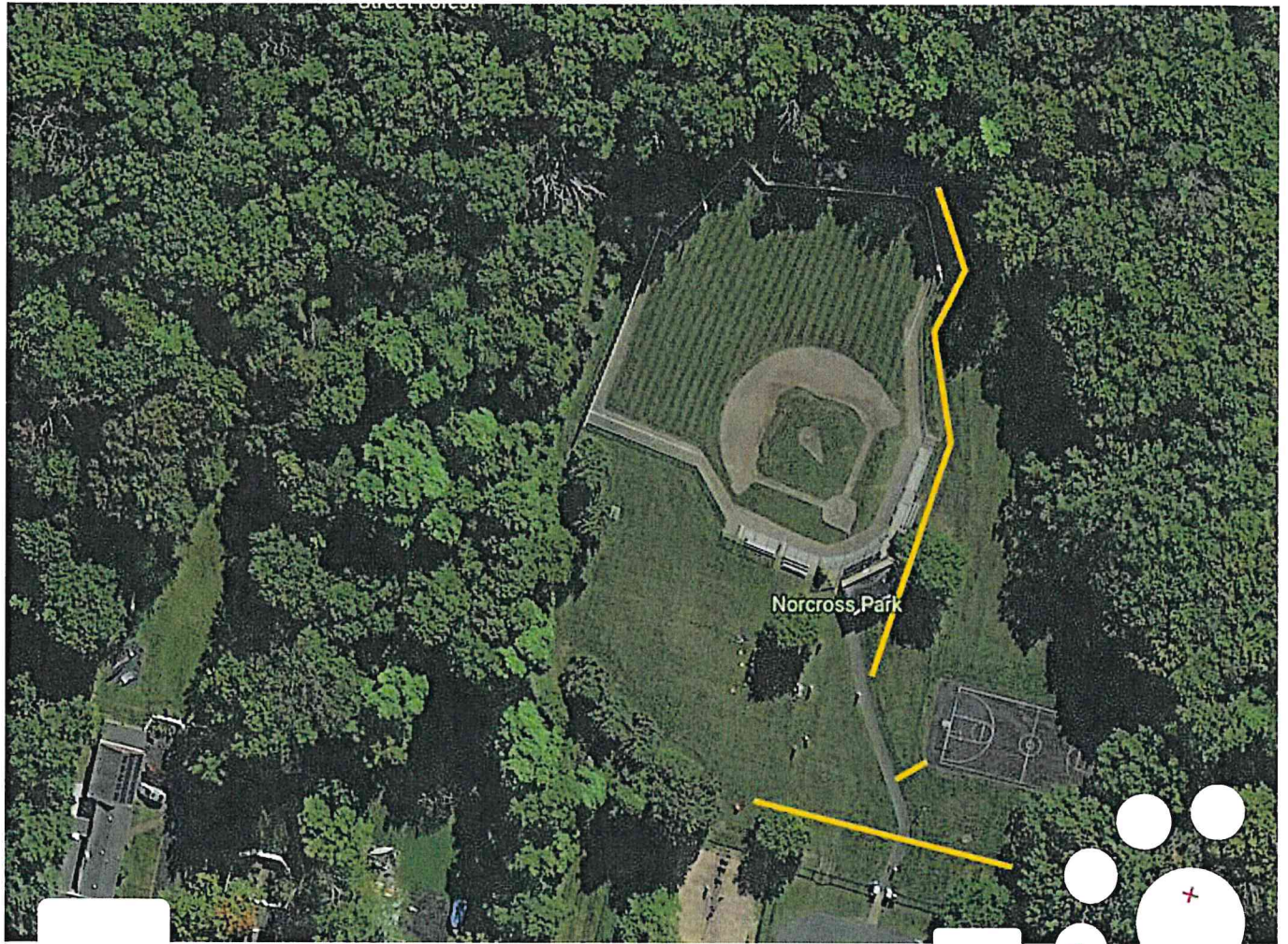
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7/24/2020

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DEER RIVER RANCH, INC.
4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
UNITED STATES
(717)-944-7481

<< QUOTE >>

PAGE 1

QUOTE DATE 7/9/2020
QUOTE NO 3944

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INTERESTED BIDDER MSRP

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GRAFTON, MA 01519

TOTAL DUE 47,632.33

Location Id 1NHS

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/9/2020	7/9/2020	00009639	7/8/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
PREPAY	AIRPORT PATHWAY BASEBALL	

ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
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Ship To
Address

Contact
Phone
Alt Phone

Cell
Email

WCBC	EA	8.0	0.0	550.00	4,400.00
Bnded WC& PIP Clear/5gal.6403-65946				Discount Amount 16.000%	-704.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					
LTL	EA	1.0	0.0	0.00	0.00
LTL					
DL6	EA	8.0	0.0	179.00	1,432.00
WOODCARPET FABRIC 5X300				Discount Amount 16.000%	-229.12
WSF	CY	80.0	0.0	18.25	1,460.00
WOODCARPET - SOFTWOOD					
FRTRK	EA	1.0	0.0	554.45	554.45
FREIGHT-TRUCK-W/C 208.5 mi					
WCBN	EA	14.0	0.0	450.00	6,300.00
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%	-1,008.00
WCBT	EA	4.0	0.0	8,750.00	35,000.00
BINDER - 1050KG TOTE/ 3401/3405				Discount Amount 16.000%	-5,600.00
WCB	EA	41.0	0.0	175.00	7,175.00
WC BINDER- PAIL 20KG 3401/3405 3401/3405				Discount Amount 16.000%	-1,148.00



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(717)-944-7481

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PAGE 2

QUOTE DATE 7/9/2020
QUOTE NO 3944

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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 47,632.33

Location Id 1NHS

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/9/2020	7/9/2020	00009639	7/8/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		AIRPORT PATHWAY BASEBALL					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

Quotes are valid for thirty days from date of quotation.

Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	47,632.33	0.00	0.00	0.00	47,632.33 USD



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4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
UNITED STATES
(717)-944-7481

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QUOTE DATE 7/7/2020
QUOTE NO 3939

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INTERESTED BIDDER MSRP

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GRA089
GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 5,296.05

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009631	7/7/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
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PREPAY	AIRPORT PLAYGROUND	
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ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
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Ship To
Address

Contact
Phone
Alt Phone

Cell
Email

WCB	EA	22.0	0.0	175.00	3,850.00
WC BINDER- PAIL 20KG 3401/3405				Discount Amount 16.000%	-616.00

WCBC	EA	1.0	0.0	550.00	550.00
Bnded WC& PIP Clear/5gal.6403-65946				Discount Amount 16.000%	-88.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					

*** NOTE: THIS DOES NOT HAVE TO BE PURCHASED
UPFRONT

LTL	EA	1.0	0.0	225.00	225.00
LTL					

W	CY	8.0	0.0	24.25	194.00
WOODCARPET					

FRTTRK	EA	1.0	0.0	274.69	274.69
FREIGHT-TRUCK-W/C					
76.0 mi					

DL6	EA	1.0	0.0	179.00	179.00
WOODCARPET FABRIC 5X300				Discount Amount 16.000%	-28.64

WCBN	EA	2.0	0.0	450.00	900.00
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%	-144.00



<< QUOTE >>

DEER RIVER RANCH, INC.
4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
UNITED STATES
(717)-944-7481

PAGE 2

QUOTE DATE 7/7/2020

QUOTE NO 3939

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GRA089
GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 5,296.05

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009631	7/7/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		AIRPORT PLAYGROUND					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

Quotes are valid for thirty days from date of quotation.

Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	5,296.05	0.00	0.00	0.00	5,296.05 USD



DEER RIVER RANCH, INC.
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MIDDLETOWN, PA 17057
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QUOTE DATE 7/7/2020
QUOTE NO 3937

SOLD
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INTERESTED BIDDER MSRP

SHIP TO
GRA089
GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 16,358.12

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009629	7/7/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		FERRY PARKING PATH					
ITEM ID		UNITS		ORDERED	SHIPPED	UNIT PRICE	EXTENSION
Ship To Address		Contact Phone		Alt Phone		Cell Email	
WCBN	EA	3.0	0.0	450.00	1,350.00		
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%		-216.00	
WCBT	EA	1.0	0.0	8,750.00	8,750.00		
BINDER - 1050KG TOTE/ 3401/3405				Discount Amount 16.000%		-1,400.00	
WCB	EA	31.0	0.0	175.00	5,425.00		
WC BINDER- PAIL 20KG 3401/3405 3401/3405				Discount Amount 16.000%		-868.00	
WCBC	EA	3.0	0.0	550.00	1,650.00		
Bnded WC& PIP Clear/5gal.6403-65946 MANUFACTURER'S ITEM # 1-9-9680 clear satin				Discount Amount 16.000%		-264.00	
*** NOTE : THIS DOES NOT HAVE TO BE PURCHASED UP FRONT .							
LTL	EA	1.0	0.0	575.00	575.00		
LTL							
W	CY	26.0	0.0	24.25	630.50		
WOODCARPET							
FRTTRK	EA	1.0	0.0	274.54	274.54		
FREIGHT-TRUCK-W/C 76.0 mi							
DL6	EA	3.0	0.0	179.00	537.00		
WOODCARPET FABRIC 5X300				Discount Amount 16.000%		-85.92	



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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 16,358.12

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009629	7/7/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		FERRY PARKING PATH					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

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Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	16,358.12	0.00	0.00	0.00	16,358.12 USD



DEER RIVER RANCH, INC.
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UNITED STATES
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QUOTE DATE 7/7/2020
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SOLD TO
INT001
INTERESTED BIDDER MSRP

SHIP TO
GRA089
GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 8,061.26

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009630	7/7/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
PREPAY	FERRY BATTING CAGE	

ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
---------	-------	---------	---------	------------	-----------

Ship To Address
GRAFTON MA 01519

Contact
Phone
Alt Phone
Cell
Email

GRAFTON MA 01519

W	CY	12.0	0.0	24.25	291.00
WOODCARPET					
FRTTRK	EA	1.0	0.0	274.54	274.54
FREIGHT-TRUCK-W/C 76.0 mi					
DL6	EA	2.0	0.0	179.00	358.00
WOODCARPET FABRIC 5X300					
				Discount Amount 16.000%	-57.28
WCBN	EA	2.0	0.0	450.00	900.00
WC BONDED NET. 7.5x330 #C807330S					
				Discount Amount 16.000%	-144.00
WCB	EA	35.0	0.0	175.00	6,125.00
WC BINDER- PAIL 20KG 3401/3405					
				Discount Amount 16.000%	-980.00
WCBC	EA	2.0	0.0	550.00	1,100.00
Bnded WC& PIP Clear/5gal.6403-65946					
				Discount Amount 16.000%	-176.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					
LTL	EA	1.0	0.0	370.00	370.00
LTL					

NOTE: THIS FREIGHT IS FOR BINDERCOMING FROM
MANUFACTURE TO GRAFTON MA



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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 8,061.26

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/7/2020	7/7/2020	00009630	7/7/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		FERRY BATting CAGE					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

Quotes are valid for thirty days from date of quotation.

Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	8,061.26	0.00	0.00	0.00	8,061.26 USD



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4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
UNITED STATES
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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 6,792.55

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/20/2020	7/20/2020	00009667	7/20/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
PREPAY	NORCROSS BENCH TO BENCH	

ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
---------	-------	---------	---------	------------	-----------

Ship To
Address

GRAFTON MA 01519

Contact
Phone
Alt Phone

Cell
Email

GRAFTON MA 01519

W	CY	10.0	0.0	24.25	242.50
WOODCARPET					

FRTRK	EA	1.0	0.0	274.69	274.69
FREIGHT-TRUCK-W/C					
76.0 mi					

DL6	EA	1.0	0.0	179.00	179.00
WOODCARPET FABRIC 5X300				Discount Amount 16.000%	-28.64

WCBN	EA	2.0	0.0	450.00	900.00
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%	-144.00

WCB	EA	31.0	0.0	175.00	5,425.00
WC BINDER- PAIL 20KG 3401/3405				Discount Amount 16.000%	-868.00
3401/3405					

WCBC	EA	1.0	0.0	550.00	550.00
Bnded WC& PIP Clear/5gal.6403-65946				Discount Amount 16.000%	-88.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					

NOTE: THIS DOES NOT NEED TO BE PURCHASED UP
FRONT

LTL	EA	1.0	0.0	350.00	350.00
LTL					

NOTE: FREIGHT IS FOR BINDER COMING FROM
MANUFACTURE



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4000 EAST HARRISBURG PIKE
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UNITED STATES
(717)-944-7481

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TOTAL DUE 6,792.55

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/20/2020	7/20/2020	00009667	7/20/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		NORCROSS BENCH TO BENCH					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

Quotes are valid for thirty days from date of quotation.

Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	6,792.55	0.00	0.00	0.00	6,792.55 USD



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4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 14,165.27

Location Id

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/20/2020	7/20/2020	00009666	7/20/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
PREPAY	NORCROSS	

ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
---------	-------	---------	---------	------------	-----------

Ship To
Address

GRAFTON MA 01519

Contact
Phone
Alt Phone

Cell
Email

GRAFTON MA 01519

W	CY	22.0	0.0	24.25	533.50
WOODCARPET					

FRTTRK	EA	1.0	0.0	274.69	274.69
FREIGHT-TRUCK-W/C					
76.0 mi					

DL6	EA	3.0	0.0	179.00	537.00
WOODCARPET FABRIC 5X300				Discount Amount 16.000%	-85.92

WCBN	EA	4.0	0.0	450.00	1,800.00
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%	-288.00

WCBT	EA	1.0	0.0	8,750.00	8,750.00
BINDER - 1050KG TOTE/ 3401/3405				Discount Amount 16.000%	-1,400.00

WCB	EA	14.0	0.0	175.00	2,450.00
WC BINDER- PAIL 20KG 3401/3405				Discount Amount 16.000%	-392.00
3401/3405					

WCBC	EA	3.0	0.0	550.00	1,650.00
Bnded WC& PIP Clear/5gal.6403-65946				Discount Amount 16.000%	-264.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					

NOTE: THIS DOES NOT HAVE TO BE PURCHASE UP FROM

LTL	EA	1.0	0.0	600.00	600.00
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LTL

NOTE: THIS FREIGHT IS FOR BINDER COMING FORM
MANUFACTURE.



DEER RIVER RANCH, INC.
4000 EAST HARRISBURG PIKE
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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 14,165.27

Location Id

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/20/2020	7/20/2020	00009666	7/20/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY		NORCROSS					
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

Quotes are valid for thirty days from date of quotation.

Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	14,165.27	0.00	0.00	0.00	14,165.27 USD



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4000 EAST HARRISBURG PIKE
MIDDLETOWN, PA 17057
UNITED STATES
(717)-944-7481

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GRAFTON MA 01519
GRAFTON, MA 01519

TOTAL DUE 10,012.01

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/2/2020	7/2/2020	00009620	6/26/2020		

TERMS DESCRIPTION	CUSTOMER PO NO	SHIP VIA
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PREPAY

ITEM ID	UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION
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Ship To
Address

Contact
Phone
Alt Phone

Cell
Email

WCB	EA	45.0	0.0	175.00	7,875.00
WC BINDER- PAIL 20KG 3401/3405				Discount Amount 16.000%	-1,260.00

WCBC	EA	2.0	0.0	550.00	1,100.00
Bnded WC& PIP Clear/5gal.6403-65946				Discount Amount 16.000%	-176.00
MANUFACTURER'S ITEM # 1-9-9680 clear satin					

*** NOTE: THIS ITEM DOES NOT HAVE TO BE PURCHASED
UPFRONT

FRTRK	EA	1.0	0.0	400.00	400.00
FREIGHT-TRUCK-W/C					
***NOTE THIS FREIGHT IS FOR BINDER COMING FROM MANUFACTURE TO GRAFTON MA					

W	CY	15.0	0.0	24.25	363.75
WOODCARPET					

FRTRK	EA	1.0	0.0	274.54	274.54
FREIGHT-TRUCK-W/C					
76.0 mi					

DL6	EA	2.0	0.0	179.00	358.00
WOODCARPET FABRIC 5X300				Discount Amount 16.000%	-57.28

WCBN	EA	3.0	0.0	450.00	1,350.00
WC BONDED NET. 7.5x330 #C807330S				Discount Amount 16.000%	-216.00



DEER RIVER RANCH, INC.
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MIDDLETOWN, PA 17057
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QUOTE NO 3932

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TOTAL DUE 10,012.01

Location Id 1CTE

SLS1	SLS2	DUE DATE	DISC DUE DATE	ORDER NO	ORDER DATE	SHIP DATE	SHIP NO
LK		7/2/2020	7/2/2020	00009620	6/26/2020		
TERMS DESCRIPTION		CUSTOMER PO NO			SHIP VIA		
PREPAY							
ITEM ID		UNITS	ORDERED	SHIPPED	UNIT PRICE	EXTENSION	

We appreciate your business.

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Please ensure there are ample clearances for tractor trailer deliveries (10'Wx 14' H Minimum) Installation instructions, maintenance instructions and warranty are available at www.zeager.com. Drainage and wear mats as specified by Zeager are required for warranty coverage.

TAXABLE	NONTAXABLE	FREIGHT	SALES TAX	MISC	TOTAL
0.00	10,012.01	0.00	0.00	0.00	10,012.01 USD

Playground Accessible Matting and Safety Surfacing Calculation Sheet									
Grafton Mass Parks Accessible Matting Assessment Program 2020									
Jen Anderson 508-839-5335 x 1156 774-551-5775 m									
Visit order	Park	Address	Playground	Area in sq. ft.	Coverage	Estimated Accessible Matting	Estimated CPSI Installation	With Accessible Matting with Installation	Comment
1	Perry Hill Park	3 Perry St. N Grafton	Structure in swings	3881	100%	\$17,466	\$13,584	\$31,050	
2	Airport Park	8 Bedford Dr. N. Grafton	Construction April 2019	5606	100%	\$25,228	\$19,622	\$44,850	
3	Norcross Park	18 North St., Grafton	Playground	7719	100%	\$34,734	\$27,016	\$61,750	
4	Riverview Park	176 Providence Rd., Grafton	Structure	3506	100%	\$15,778	\$12,272	\$28,050	
5	Ferry Street Park	115 Ferry St., South Grafton	Structure and 4 swings	3000	100%	\$13,500	\$10,500	\$24,000	
			Shipping and handling is usually about \$245						

Agenda Item 6a. – Old Business

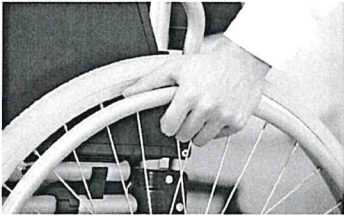
**MA Office on Disability (MOD) documents
for future meeting discussion**

8/20/2020 meeting
Agenda Item # 6a.

Pursuant to Jeffrey Dougan's (MA Office on Disability) emails of 7/29/20 and 7/30/2020, the links he included have been further expanded below.

1. MOD Brochure of Services – [LINK](#) – From our [Publications Page](#)
<https://www.mass.gov/doc/mod-overview-brochure/download>
2. DOJ's FAQ on Service Animals – [LINK](#)
https://www.ada.gov/regs2010/service_animal_qa.html
3. Disability Rights Laws in Massachusetts Booklet - [LINK](#) - From our [Publications Page](#)
https://www.ada.gov/regs2010/service_animal_qa.html
4. MGL Chapter 40 Section 8J – [LINK](#)
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section8j>
5. MGL Chapter 40 Section 22G – [LINK](#)
<https://malegislature.gov/Laws/GeneralLaws/PartI/TitleVII/Chapter40/Section22g>
6. Benefits of Creating a COD – ATTACHED DOCUMENT
7. COD Description, Bylaws, and Goals – [LINK](#) - From our [Publications Page](#)
<https://www.mass.gov/doc/commission-on-disability-cod-general-description-goals-and-sample-bylaws/download>
8. ADA Fact Sheets from Recent Updates to Title II and III – ATTACHED
9. ADA Title II Action Guide – [LINK](#)
<https://www.adaactionguide.org/>
10. ADA Checklist – [LINK](#)
<https://www.adachecklist.org/>
11. Tax Incentives for Small Businesses – ATTACHED
12. MOD Municipal ADA Improvement Grant Program – [LINK](#) – (Brochure also Attached).
<https://www.mass.gov/municipal-americans-with-disabilities-act-grant>
13. Disability Demographics (based on ACS and 2010 Census, produced by MOD) – [LINK](#) - From our [Publications Page](#) (No expanded hyperlink for Excel document)
14. Disability in New England (based on model based definition of disability, produced by [New England ADA Center](#)) – [LINK](#)
<https://www.newenglandada.org/discover-true-nature-disability-new-england>

15. Center for Living and Working, Inc (This ILC serves Grafton) – [LINK](#) (All Independent Living Centers in Massachusetts - [LINK](#))
<https://www.centerlw.org/>
<https://masilc.org/cils/>



Benefits of Creating a Commission On Disability

Advise

- ✓ Advise and assist local officials with compliance to federal and state disability laws
- ✓ Assist local disability advocates with Technical Assistance, advocacy and Disability related matters

Review

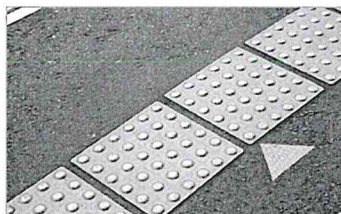
- ✓ Projects that may come before Planning Board, Town Meeting, City Council, etc.
- ✓ Assist municipality with ensuring the Self-Evaluation meets the requirements of the Americans with Disabilities Act
- ✓ Assist municipality with implementation and upkeep of their Transition Plan

Research & Information

- ✓ Be a voice to let developers know that they have obligations to comply with Disability Laws and regulations
- ✓ Represent the interest of Persons with Disabilities, at certain times some PWD's may need assistance to express their views
- ✓ On behalf of Taxpayers who expect and deserve equal protection under the law

Coordinate

- ✓ With the MOD to keep abreast of applicable laws & regulations
- ✓ With advocates and elected officials



Contact the Massachusetts Office On Disability

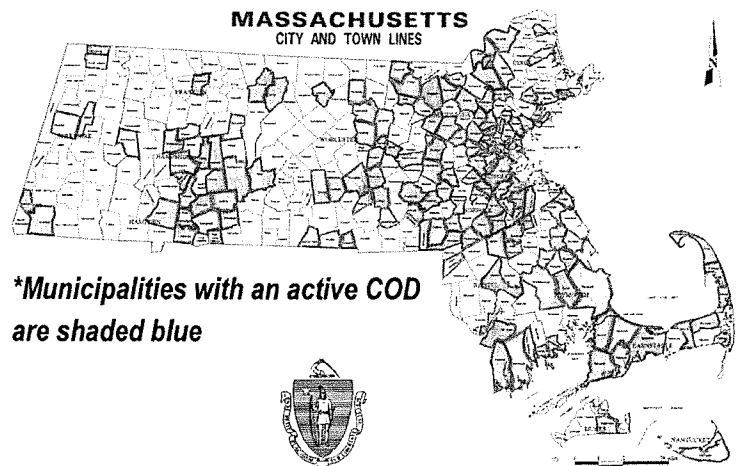
Mass. Office On Disability
1 Ashuburton Place, Room 1305
Boston, MA 02108

Email: info-mod@state.MA.US
Call: 617 727-7440
URL: www.Mass.Gov/MOD

Local Commissions on Disabilities

Commissions on Disability (COD)

- Advise and assist municipal officials in ensuring compliance with federal and state disability laws;
- Review policies and activities of municipal departments and boards as they affect persons with disabilities;
- Provide information, referral, advocacy and technical assistance to individuals, businesses and organizations in all matters pertaining to disability;
- Coordinate the activities of other local groups organized to meet the needs of persons with disabilities.



****Municipalities with an active COD
are shaded blue***



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Americans with Disabilities Act Title II & Title III Revised Regulations Fact Sheet Series

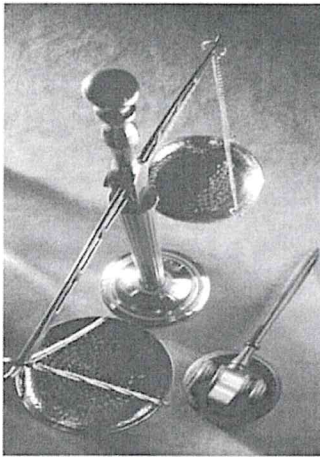
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#1 - Overview of Revised Title II and Title III Regulations



The Department of Justice (DOJ) has amended its regulations implementing Title II and Title III of the Americans with Disabilities Act (ADA), which apply to public/state and local government entities and private businesses/places of public accommodation, respectively. These revised regulations took effect on March 15, 2011, with some exceptions. Fact Sheets in this series are available on each of these topics.

Summary of Changes:

Fact Sheet #2 - Effective Communication

- Companions with disabilities must be provided with effective communication.
- Video Remote Interpreting (VRI) services are now considered an auxiliary aid that may be used to provide effective communication.
- A covered entity shall not rely on an adult or minor child accompanying an individual with a disability to provide interpreting services except in an emergency or if the deaf individual wants the accompanying adult to interpret if appropriate.
- A qualified reader is an individual who is able to read effectively, accurately and impartially using any specialized vocabulary.

Fact Sheet #3 - Examinations and Courses

- If an entity requires documentation of disability before granting an accommodation request, then the documentation requirement needs to be reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.
- Prior modifications received in similar situations should be granted considerable weight
- A covered entity must respond in a timely manner to requests for modifications.

Fact Sheet #4 - Places of Lodging

- Effective March 15, 2012, these regulations will impact the definition of place of lodging, reservation processes, information provided through reservation systems regarding accessible features, holding accessible guest rooms, third party reservation providers and scoping for accessible guest rooms.

Fact Sheet #5 - Service Animals

- Service Animal is now defined as a dog that has been individually trained to do work or perform tasks for an individual with a disability.
- Other animals, whether wild or domestic, do not qualify as service animals.
- Reasonable modifications in policies must also be made to allow individuals with disabilities to use miniature horses, with some restrictions, if they have been individually trained to do work or perform tasks for individuals with disabilities.

Fact Sheet #6 - Ticketing

- Guidance is now provided on the sale of tickets for accessible seating, information covered entities must provide about accessible seating, ticket prices, options for purchasing multiple tickets, hold and release of tickets for accessible seating, ticket transfer, the secondary ticket market, and prevention of fraud.

Fact Sheet #7 - Wheelchairs and Other Power-Driven Mobility Devices (OPDMDs)

- Wheelchairs must be permitted in all areas open to pedestrian use.
- OPDMDs- any mobility device powered by batteries, fuel or other engines, used by individuals with disabilities as their mobility device of choice, whether designed primarily for use by individuals with disabilities or not (such as the Segway® PT)- must be permitted unless the covered entity can demonstrate that such use would fundamentally alter its business/operations, create a direct threat, or create a safety hazard.

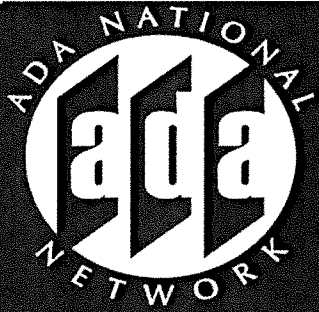
Fact Sheet #8 - Detention and Correctional Facilities

- Qualified inmates or detainees with disabilities shall not be excluded from participation in, or be denied the benefits of, the services, programs or activities of a public entity in the most integrated setting appropriate.
- Requires three percent of newly constructed or altered cells to be accessible.

Fact Sheet #9 – Overview of the 2010 ADA Standards for Accessible Design

- DOJ has adopted revised ADA design standards as found in the U.S. Access Board's 2004 ADA/ABA Accessibility Guidelines.
- On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards or the 2010 Standards.
Note: Title II entities can also choose the Uniform Federal Accessibility Standards (UFAS).
- "Safe Harbor": facilities that were built or altered in compliance with 1991 Standards or the UFAS do not have to be brought into compliance with 2010 Standards unless the facility undergoes an alteration on or after March 15, 2012.

Call your Regional ADA Center at 1.800.949.4232 for more information on the new Title II and Title III regulations and to get other Fact Sheets in our nine part series!



Americans with Disabilities Act Title II & Title III Revised Regulations Fact Sheet Series

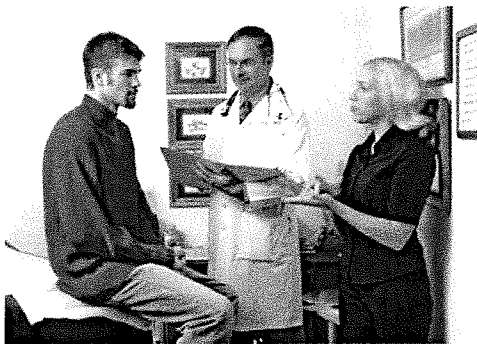
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#2 - Effective Communication



The Department of Justice (DOJ) has issued revised Americans with Disabilities Act (ADA) Title II and Title III regulations which took effect March 15, 2011. These regulations affect the obligations of Title II public entities (state and local government entities) and Title III private businesses (a.k.a. places of public accommodation) to furnish appropriate auxiliary aids and services where necessary to ensure effective communication with individuals with disabilities. (§35.104, §35.160, §36.104, §36.303) This includes an obligation to provide effective

communication to companions who are individuals with disabilities. The term "companion" means a family member, friend, or associate with whom the public entity or private business would typically communicate.

Providing Auxiliary Aids and Services

Examples of common auxiliary aids and services include qualified sign language interpreters in person or through video remote interpreting (VRI) services; note takers; real-time computer-aided transcription services; written materials; exchange of written notes; telephone handset amplifiers; assistive listening devices and systems; telephones compatible with hearing aids; closed caption decoders; open and closed captioning, including real-time captioning; voice, text, and video-based telecommunications products and systems, including text telephones (TTYs), videophones, and captioned telephones or equally effective telecommunications devices; videotext displays; qualified readers; taped texts; audio recordings; Brailled materials and displays; screen reader software; magnification software; optical readers; secondary auditory programs (SAP); large print materials; and accessible electronic and information technology.

The type of auxiliary aid or service necessary to ensure effective communication will vary in accordance with the method of communication used by the individual; the nature, length, complexity of the communication involved; and the context in which the communication is taking place. A private business should consult with individuals with disabilities whenever possible to determine what type of auxiliary aid is needed to ensure effective communication, but the ultimate decision as to what measures to take rests with the private business, provided that the method chosen results in effective communication. However, public entities must give primary consideration to the request of the individuals with disabilities.

- To be effective, auxiliary aids and services must be provided in accessible formats, in a timely manner, and in such a way as to protect the privacy and independence of the individual with a disability.
- A public entity or private business is financially responsible for the cost of the auxiliary aid or service provided unless it can demonstrate that it would be an undue financial burden in light of the overall financial resources of the entire entity, including any parent corporation if applicable. It cannot impose a surcharge on an individual with a disability to cover the costs of the auxiliary aid or service provided. Even if it is determined that a particular auxiliary aid or service is an undue financial burden, the entity must still provide effective communication utilizing a different auxiliary aid or service.

Sign Language Interpreters

Public entities and private businesses cannot require an individual with a disability to bring another individual to interpret for him or her. A public entity or private business shall not rely on an adult accompanying an individual to interpret or facilitate communication, except:

- In an emergency involving imminent threat to the safety or welfare of an individual or the public where there is no interpreter available; or
- When the individual with a disability specifically requests that the accompanying adult interpret or facilitate communication, the accompanying adult agrees to provide such assistance, and reliance on that adult for assistance is appropriate under the circumstances.

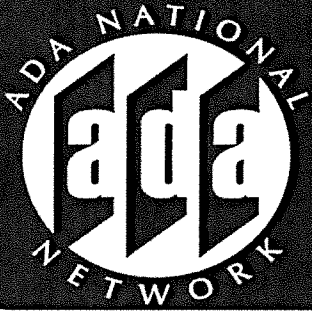
A public accommodation shall not rely on a minor child to interpret or facilitate communication, except in an emergency involving an imminent threat to the safety or welfare of an individual or the public where there is no interpreter available.

Telecommunications

When a public entity or private business uses an automated-attendant system, including, but not limited to, voicemail and messaging, or an interactive voice response system, for receiving and directing incoming telephone calls, that system must provide effective real-time communication with individuals using auxiliary aids and services, including text telephones (TTYs) and relay services, including Internet-based relay systems. A public entity or private business shall respond to telephone calls from a relay service in the same manner that it responds to other telephone calls. A public entity or private business may use relay services in place of direct telephone communication for receiving or making telephone calls incident to its operations.

A public entity or private business that offers a customer, client, patient, or participant the opportunity to make outgoing telephone calls using their equipment on more than an incidental convenience basis shall make available accessible public telephones, TTYs, or other telecommunications products and systems for use by an individual who is deaf or hard of hearing, or has a speech impairment.

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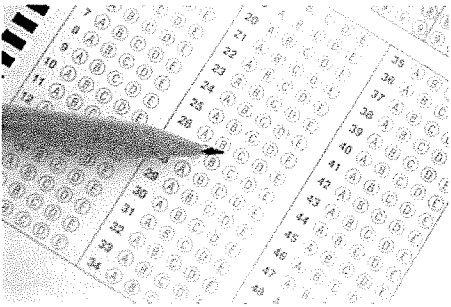
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#3 - Examinations and Courses



The Department of Justice (DOJ) has issued revised ADA Title III (private businesses, a.k.a. places of public accommodation) regulations regarding examinations and courses. (§36.309) These regulations took effect March 15, 2011 and affect exams and courses related to applications, licensing, certification or credentialing for secondary or postsecondary education or professional or trade purposes. The general rule has not changed from the original ADA:

covered entities must continue to offer exams and courses in a location and manner that is accessible to individuals with disabilities or offer alternative accessible arrangements, and examinations should be administered so that the results accurately reflect the individual's aptitude or achievement level, not the impairment. What DOJ has done is move some of the language from the original ADA preamble into the regulatory text. This change affects three areas in particular:

Requests for Documentation Must Be "Reasonable and Limited"

- If an entity requires documentation of disability before granting an accommodation request, then the documentation requirement needs to be reasonable and limited to the need for the modification, accommodation, or auxiliary aid or service requested.
- In general, when testing entities receive documentation provided by a qualified professional who has made an individualized assessment of an applicant that supports the need for the modification, accommodation, or aid requested, the entity should accept that documentation and provide the accommodation.
- What is considered "acceptable" documentation will depend on the nature of the disability and the specific modification or aid being requested. Possible forms of acceptable documentation may include a recommendation from a qualified professional, a psycho-educational evaluation, history of a diagnosis, participation in a Special Education program, or a prior accommodation from another standardized testing agency.

- A “qualified professional” is one who is licensed or otherwise credentialed and who possesses expertise in the disability for which the modifications or accommodations are sought. Examples of a qualified professional may include a doctor, psychologist, nurse, physical, occupational or speech therapist, vocational rehabilitation specialist, school counselor, or licensed mental health professional. Testing entities should ask qualified professionals in the pertinent field to evaluate the request and materials presented by the individual requesting the accommodation.
- An “individualized assessment” means that a qualified professional has individually and personally evaluated the candidate rather than only reviewed documents about the candidate. Personal familiarity with the candidate will always outweigh not having personal knowledge of the candidate.

Prior Modifications Received in Similar Situations Should Be Granted “Considerable Weight”

- When considering requests for modifications, covered entities need to give considerable weight to documentation of past modifications that were received in similar testing situations (e.g., if an accommodation was granted when the individual took the SAT’s, then it should also be granted when that same individual takes GRE’s, if requested).
- Entities should also give considerable weight to documentation of modifications that were provided in response to an Individualized Education Plan (IEP) or a Section 504 Plan because the history of testing accommodations determined through the rigors of a process required by Federal law is useful and instructive.

Covered Entity Must Respond to Requests for Modifications in a “Timely Manner”

- Covered entities need to respond to requests for modifications, accommodations, or aids in a timely manner to ensure the same level of opportunity and access for individuals with disabilities that exists for persons without disabilities.
- If testing entities fail to act quickly and/or they seek unnecessary documentation, then it could result in an extended delay, thereby denying equal opportunity or equal treatment in an examination setting, creating possible grounds for disability discrimination.

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#4 - Places of Lodging



The Department of Justice (DOJ) has issued revised ADA Title III (private businesses, a.k.a. places of public accommodation) regulations regarding places of lodging. These regulations include several significant provisions designed to enable individuals with disabilities to make reservations at places of lodging as effectively as others. [§36.104, §36.302(e)] They also include new facility standards for places of lodging within the 2010 Standards for Accessible Design. [§36.406(c)] All of these provisions related to lodging take effect March 15, 2012.

Who Must Comply?

An entity that owns, leases, leases to, or operates a place of lodging must follow these new requirements. Places of lodging include traditional hotels, motels and inns, as well as facilities that provide guest rooms for sleeping for stays that are primarily short-term (generally 30 days or less), where occupants do not have the right to return to a specific room or unit after the conclusion of their stay, and which provide guest rooms under conditions and with amenities similar to a traditional hotel, motel, or inn. Such conditions and amenities include the following:

- On- or off-site management and reservations service;
- Rooms available on a walk-up or call-in basis;
- Availability of housekeeping or linen service;
- Acceptance of reservations for a room type without guaranteeing a particular room or unit until check-in, and without a prior lease or security deposit.

This does not include facilities that contain no more than five rooms for rent and that actually are occupied by the proprietor of the establishment as the residence of the proprietor.

Reservation Systems

- All of these provisions apply with respect to reservations made by telephone, in-person, or via a website.
- Individuals with disabilities must be able to make reservations for accessible guest rooms during the same hours and in the same manner as others.

- Places of lodging must identify and describe accessible features of the facility and the guest rooms offered through its reservations service in enough detail to reasonably permit individuals with disabilities to assess independently whether a given facility or guest room meets his or her accessibility needs. Information, including photos or other images, may be posted on websites or included in brochures or other materials. Customer service staff should also be trained to respond to specific inquiries about the features of the facility, including accessible routes to and through the facility; details about the configuration of accessible guest rooms and bathrooms; the availability of accessibility equipment or features such as bath benches, or visual alarm and alert devices for guests who are deaf or hard of hearing; and the accessibility of common spaces such as meeting rooms, lounges, restaurants, swimming pools, or fitness centers.
- Accessible guest rooms must be held for use by individuals with disabilities until all other guest rooms of that type have been rented.
- When a reservation is made for an accessible guest room, the *specific* accessible guest room reserved must be held for the reserving customer and the room must be removed from the reservation system.
- Places of lodging that make rooms available for reservations through third parties (e.g., Expedia or Orbitz) must provide accessible rooms to at least some of the third parties and must provide information about the accessible features of the facility and the guest rooms.

New Requirements for Places of Lodging from the 2010 Standards

- In general, lodging built after March 15, 2012 will have to comply with the 2010 ADA Standards [Sections 224, 806 as well as §36.406(c)] which include a new section with standards for recreational spaces, including but not limited to swimming pools and spas (Sections 242, 1009), exercise equipment (Sections 206, 236, 1004), golf courses (Section 238, 1006), boating facilities (Sections 235, 1003), and playgrounds (Sections 240, 1008). The 2010 ADA Standards also include new scoping provisions for the number of guest rooms that must be provided with features for mobility access and for communication access.
- Existing lodging built before March 15, 2012 will need to remove architectural barriers, when readily achievable, to recreational facilities, which include but are not limited to swimming pools and spas, exercise equipment, golf courses, boating facilities, and playgrounds.

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#5 - Service Animals



The Department of Justice has issued revised ADA Title II (state and local government programs) and Title III (private businesses, a.k.a. places of public accommodation) regulations which took effect March 15, 2011. These regulations revise the definition of service animal and add additional provisions. (§35.104, §35.136, §36.104, §36.302)

Definition

A service animal is any dog that is individually trained to do work or perform tasks for the benefit of an individual with a disability, including a physical, sensory, psychiatric, intellectual, or other mental disability. Other species of animals, whether wild or domestic, trained or untrained, are not considered to be service animals. The work or tasks performed by a service animal must be directly related to the handler's disability. Examples of work or tasks include, but are not limited to, assisting individuals who are blind or have low vision with navigation and other tasks, alerting individuals who are deaf or hard of hearing to the presence of people or sounds, providing non-violent protection or rescue work, pulling a wheelchair, assisting an individual during a seizure, alerting individuals to the presence of allergens, retrieving items such as medicine or the telephone, providing physical support and assistance with balance and stability to individuals with mobility disabilities, and helping individuals with psychiatric and neurological disabilities by preventing or interrupting impulsive or destructive behaviors. The crime deterrent effects of an animal's presence and the provision of emotional support, well-being, comfort, or companionship do not constitute work or tasks and as such do not meet the definition of a service animal.

Miniature Horses

A public entity or private business shall make reasonable modifications in policies, practices, or procedures to permit the use of a miniature horse as a service animal by an individual with a disability if the miniature horse has been individually trained to do work or perform tasks for the benefit of the individual with a disability subject to an assessment of the type, size, and weight of the miniature horse and whether the facility can accommodate these features. The same provisions that apply to service dogs also apply to miniature horses.

Inquiries

To determine if an animal is a service animal, a public entity or a private business may ask two questions: 1) Is this animal required because of a disability? 2) What work or task has this animal been trained to perform? These inquiries may not be made if the need for the service

animal is obvious (e.g., the dog is guiding an individual who is blind or is pulling a person's wheelchair.) A public entity or private business may not ask about the nature or extent of an individual's disability. They also may not require documentation, such as proof that the animal has been certified, trained or licensed as a service animal, or require the animal to wear an identifying vest.

When and Where a Service Animal is Allowed Access

Individuals with disabilities shall be permitted to be accompanied by their service animals in all areas of public facilities and private businesses where members of the public, program participants, clients, customers, patrons, or invitees are allowed to go. If a service animal's presence in a specific facility compromises legitimate safety requirements that are necessary for safe operation, they can be excluded from the facility (e.g., from a surgery or intensive care unit in a hospital in which a sterile field is required.)

A public entity or a private business may ask an individual with a disability to remove a service animal from the premises if the animal is not housebroken or if the animal is out of control and the handler does not take effective action to control it. A handler shall use a harness, leash or other tether with their service animal unless either the handler is unable to do so because of a disability or unless the use of a harness, leash, or other tether would interfere with the service animal's safe, effective performance of work or tasks. In these cases, the service animal must be under the handler's control through voice control, signals, or other effective means. If a service animal is excluded, the individual with a disability must still be offered the opportunity to obtain goods, services, and accommodations without having the service animal on the premises.

Other Provisions

- A public entity or private business is not responsible for the care and supervision of a service animal.
- A public entity or private business shall not ask nor require an individual with a disability to pay a surcharge or deposit, even if people accompanied by pets are required to pay such fees.
- If a public entity or private business normally charges individuals for the damage they cause, an individual with a disability may be charged for damage caused by his or her service animal.

Relationship to Other Laws

These provisions related to service animals apply only to entities covered by the ADA. The Fair Housing Act covers service animal provisions for residential housing situations and the Air Carrier Access Act covers service animal provisions for airline travel. The definition of a service animal under each of these laws is different than the definition under the ADA.

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#6 -Ticketing



Previously, ticketing had not been addressed specifically in the ADA or in its implementing regulations. Entities that sell tickets were always covered by the ADA, but there was no specific guidance for the myriad of situations related to ticketing. All that changed when the Department of Justice issued ticketing regulations which took effect on March 15, 2011. [§36.302(f), §35.138] These regulations apply to Title II (state and local government programs) and Title III (private businesses, a.k.a. places of public accommodations).

General Requirements

An entity that sells tickets for a single event or a series of events shall modify its policies, practices, or procedures to ensure that individuals with disabilities have an equal opportunity to purchase tickets for accessible seating:

- During the same hours as others;
- During the same stages of ticket sales, including but not limited to, pre-sales, promotions, lotteries, waitlists, and general sales;
- Through the same methods of distribution;
- In the same types and numbers of ticketing sales outlets, including telephone service, in-person ticket sales at the facility, or third-party ticketing services, as other patrons; and
- Under the same terms and conditions as other tickets sold for the same event or series of events.

If a ticketing entity is asked, it must:

- Inform individuals with disabilities, their companions, and third parties purchasing tickets for individuals with disabilities of the locations of all unsold or otherwise available accessible seating for any ticketed event at the facility;

- Identify and describe the features of available accessible seating in enough detail to reasonably permit an individual with a disability to decide independently whether a given accessible seating location meets his or her accessibility needs; and
- Provide materials, such as seating maps, plans, brochures, pricing charts, or other information, that identify accessible seating with the same text or visual representations as other seats, if such materials are provided to the general public.

Ticket Prices

The price of tickets for accessible seating must not be higher than the price of other tickets in the same seating section for the same event. Tickets for accessible seating must be made available at all price levels for every event. If tickets for accessible seating at a particular price level cannot be provided because barrier removal in an existing facility is not readily achievable, then the percentage of tickets for accessible seating that should have been available at that price level if it weren't for the barriers must be offered for purchase, at that price level, in a nearby or similar accessible location. The percentage is determined by the ratio of the total number of tickets at that price level to the total number of tickets in the assembly area.

Purchasing Multiple Tickets

For each ticket for accessible seating purchased by or for an individual with a disability, an entity must make available for purchase three additional tickets for seats in the same row that are contiguous with the wheelchair space, provided that the seats are available at the time of purchase. Such seats may include wheelchair spaces. If patrons are allowed to purchase at least four tickets, and there are fewer than three additional contiguous seats available for purchase, an entity must offer the available contiguous seats and also must make up the difference by offering tickets for seats that are as close as possible to the accessible seats. If ticket sales for a particular event or venue are limited to fewer than four seats per patron, then entities must offer as many seats to patrons with disabilities, including the ticket for the wheelchair space, as would be offered to patrons without disabilities. If patrons are allowed to purchase more than four tickets, then patrons with disabilities must be allowed to purchase up to the same number of tickets, including the ticket for the wheelchair space. If a group includes one or more individuals who need to use accessible seating because of a mobility disability, or because the disability requires the use of the accessible features that are provided in accessible seating, the group must be placed in a seating area with accessible seating so that, if possible, the group can sit together. If it is necessary to divide the group, it should be divided so that the people in the group who use wheelchairs are not isolated from the group.

Hold and Release of Tickets for Accessible Seating

Tickets for accessible seating may be released for sale to individuals without disabilities in certain limited circumstances. However, a facility is never required to release tickets for accessible seating to individuals without disabilities.

Unsold tickets for accessible seating may be released only under the following circumstances:

- When all non-accessible tickets (excluding luxury boxes, club boxes, or suites) have been sold;
- When all non-accessible tickets in a designated seating area have been sold and the tickets for accessible seating are being released in the same designated area; or
- When all non-accessible tickets in a designated price category have been sold and the tickets for accessible seating are being released within the same designated price category.

When series-of-events tickets are sold out and the entity releases and sells accessible seating to individuals without disabilities for a series of events, a process must be established that prevents the automatic reassignment of the accessible seating to such ticket holders for future seasons, future years, or future series, so that individuals with disabilities who require the features of accessible seating, and who become newly eligible to purchase tickets when these series-of-events tickets are available for purchase, have an opportunity to do so.

When series-of-events tickets with an ownership right in accessible seating areas are forfeited or otherwise returned to an entity, reasonable modifications in policies, practices, or procedures must be made in order to afford individuals with mobility disabilities, or individuals with disabilities that require the features of accessible seating, the chance to purchase such tickets in accessible seating areas.

Ticket Transfer

Individuals with disabilities who hold tickets for accessible seating must be permitted to transfer tickets to third parties under the same terms and conditions, and to the same extent, as other spectators holding the same type of tickets, whether they are for a single event or a series of events.

Secondary Ticket Market

Policies, practices, or procedures must be modified to ensure that individuals with disabilities may use a ticket acquired in the secondary ticket market under the same terms and conditions as other individuals who acquired their tickets through the secondary ticket market for the same event or series of events.

If an individual with a disability acquires a ticket or series of tickets to an inaccessible seat through the secondary market, the individual should be allowed to exchange his ticket for one to an accessible seat in a comparable location, if accessible seating is vacant at the time the individual presents the ticket to the public accommodation.

Prevention of Fraud

Individuals with disabilities may not be required to provide any proof of disability, such as a doctor's note. For the sale of single-event tickets, sellers can ask whether the individual purchasing the tickets for accessible seating has either a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating, or is purchasing the tickets for such a person. For series-of-events tickets, sellers can ask the individual purchasing the tickets for accessible seating to attest in writing that the accessible seating is for a person who has a mobility disability or a disability that requires the use of the accessible features that are provided in the accessible seating. An investigation may take place regarding the potential misuse of accessible seating where there is good cause to believe that such seating has been purchased fraudulently.

New Requirements for Assembly Areas from the 2010 Standards

- In general, new construction or alterations on or after March 15, 2012 must comply with the 2010 ADA Standards. [Sections 221, 802 as well as §35.151(g) and §36.406(f)]
- Vague requirements for lines of sight and dispersion have been replaced with specific standards.
- Reduced scoping for large venues with more than 500 seats.
- New requirements for location of accessible seating in stadium-style movie theaters.
- Lawn seating will be required to be on an accessible route.

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#7 - Wheelchairs and Other Power-Driven Mobility Devices

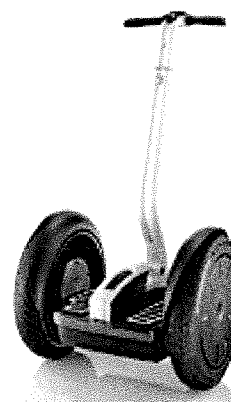
The Department of Justice has issued revised ADA Title II (state and local government programs) and Title III (private businesses, a.k.a. places of public accommodation) regulations which took effect March 15, 2011. These regulations provide a definition of a wheelchair and other power-driven mobility devices and add additional provisions identifying where they can be used. (§35.104, §35.137, §36.104, §36.311)

Wheelchair

A wheelchair is a manually operated or power-driven device designed primarily for use by an individual with a mobility disability for the main purpose of indoor, or of both indoor and outdoor, locomotion. Individuals with mobility disabilities must be permitted to use wheelchairs and manually powered mobility aids, i.e., walkers, crutches, canes, braces, or other similar devices designed for use by individuals with mobility disabilities, in any areas open to pedestrian traffic.

Other Power-Driven Mobility Device (OPDMD):

An OPDMD is any mobility device powered by batteries, fuel, or other engines that is used by individuals with mobility disabilities for the purpose of locomotion, whether or not it was designed primarily for use by individuals with mobility disabilities. OPDMDs may include golf cars, electronic personal assistance mobility devices, such as the Segway[®] Personal Transporter (PT), or any mobility device that is not a wheelchair, which is designed to operate in areas without defined pedestrian routes.



Covered entities must make reasonable modifications in their policies, practices, or procedures to permit individuals with mobility disabilities to use OPDMDs unless the entity can demonstrate that the class of OPDMDs cannot be operated in accordance with legitimate safety requirements adopted by the entity.

Covered entities must assess the following factors to determine whether a particular OPDMD can be allowed in a specific facility as a reasonable modification:

- The type, size, weight, dimensions, and speed of the device.
- The facility's volume of pedestrian traffic (which may vary at different times of the day, week, month, or year).
- The facility's design and operational characteristics (e.g., whether its service, program, or activity is conducted indoors, its square footage, the density and placement of stationary devices, and the availability of storage for the device, if requested by the user).
- Whether legitimate safety requirements can be established to permit the safe operation of the OPDMD in the specific facility.
- Whether the use of the OPDMD creates a substantial risk of serious harm to the immediate environment or natural or cultural resources, or poses a conflict with Federal land management laws and regulations.

Inquiries

Covered entities shall not ask an individual using a wheelchair or OPDMD questions about the nature and extent of the individual's disability. Covered entities may ask a person using an OPDMD to provide a credible assurance that the mobility device is required because of the person's mobility disability. If the covered entity permits the use of a class of OPDMDs by individuals with mobility disabilities, they shall accept the following as credible assurance:

- Presentation of a valid, State-issued, disability parking placard or card, or other State-issued proof of disability. A valid disability placard or card is one that is presented by the individual to whom it was issued and is otherwise in compliance with the State of Issuance's requirements.
- A verbal statement, not contradicted by observable fact, that the OPDMD is being used for a mobility disability.

Call your Regional ADA Center at 1.800.949.4232 for more information on Wheelchairs and OPDMDs and to get other Fact Sheets in our nine part series!



Americans with Disabilities Act Title II & Title III Revised Regulations Fact Sheet Series

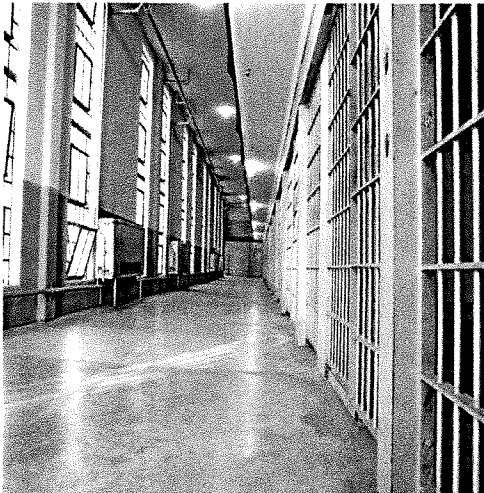
Call us toll-free:

1-800-949-4232

Find your regional center at:

www.adata.org

#8 – Detention & Correctional Facilities



The Department of Justice (DOJ) has issued revised Americans with Disabilities Act (ADA) Title II regulations which took effect March 15, 2011. These regulations affect the obligations of Title II public entities (state and local government entities) that are responsible for the operation or management of adult and juvenile justice jails, detention and correctional facilities, and community correctional facilities, either directly or through contractual, licensing, or other arrangements with public or private entities, in whole or part, including private correctional facilities. (§35.151(k) and §35.152)

Overarching Obligation

The revised regulations state that public entities shall ensure that qualified inmates or detainees with disabilities shall not, because a facility is inaccessible to or unusable by individuals with disabilities, be excluded from participation in, or be denied the benefits of, the services, programs, or activities of a public entity, or be subjected to discrimination by any public entity.

Integrated Setting

Inmates or detainees with disabilities must be housed in the most integrated setting appropriate to the needs of the individuals. This means there needs to be accessible housing in all security classifications and/or program levels of a facility. Also, qualified inmates or detainees with disabilities should have access to all programs to which they would otherwise be entitled, including educational, vocational, work release, employment, and religious programs, whether mandatory or voluntary. Unless it is appropriate to make an exception, public entities shall not place inmates with disabilities:

- In inappropriate security classifications because no accessible cells or beds are available;
- In medical areas unless they are actually receiving medical care or treatment;
- In facilities that do not offer the same programs as facilities where they otherwise would be housed; and
- In distant facilities where they would otherwise not be housed that would deprive them of visitation with family members.

Minimum Requirements from the 2010 Standards (§35.151(k))

New construction of jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards, effective March 12, 2012, except that public entities shall provide mobility features for at least 3%, but no fewer than one, of the total number of cells in such a facility. Cells with mobility features shall be provided in each classification level.

As required by the 2010 Standards, at least 2%, but no fewer than one, of the total number of general holding cells and general housing cells equipped with audible emergency alarm systems and permanently installed telephones within the cell shall provide communication features. Within this requirement, where audible emergency alarm systems are provided to service the occupants of cells, visible alarms shall be provided; however, visible alarms shall not be required where inmates or detainees are not allowed independent means of egress. Telephones, where provided within cells, shall have volume controls. (Sections 232 and 807, 2010 Standards)

Alterations to jails, prisons, and other detention and correctional facilities shall comply with the 2010 Standards, effective March 12, 2012, except that public entities shall provide accessible mobility features for a minimum of 3%, but no fewer than one, of the total number of cells being altered until at least 3%, but no fewer than one, of the total number of cells in the facility provide mobility features. Altered cells with mobility features shall be provided in each classification level.

However, when alterations are made to specific cells, facilities may satisfy their obligation to provide the required number of cells with mobility features by providing the required mobility features in substitute cells (cells other than those where alterations are originally planned), provided that the substitute cell is located within the same prison site, is integrated with other cells to the maximum extent feasible, and has equal physical access as the altered cells to areas used by inmates or detainees for visitation, dining, recreation, educational programs, medical services, work programs, religious services, and other offered programs. If it is technically infeasible to locate a substitute cell within the same prison site, the substitute cell must be provided at another prison within the same system.

With respect to medical and long-term care facilities in jails, prisons, and other detention and correctional facilities, public entities shall apply the 2010 ADA Standards technical and scoping requirements for those facilities whether those facilities are licensed or not.

**Call your Regional ADA Center at 1.800.949.4232 for more information on
Detention and Correctional Facilities and to get other Fact Sheets in our nine
part series!**



Americans with Disabilities Act Title II & Title III Revised Regulations Fact Sheet Series

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#9 - Overview of the 2010 Standards for Accessible Design



The Americans with Disabilities Act (ADA) requires the U.S. Department of Justice (DOJ) to publish ADA design standards that are consistent with the guidelines published by the U.S. Architectural and Transportation Barriers Compliance Board (Access Board). The DOJ has adopted revised ADA design standards that include the relevant chapters of the Access Board's 2004 ADA/ABA Accessibility Guidelines as modified by specific provisions of the DOJ's revised rules implementing Title II and Title III of the ADA. To minimize compliance burdens on

entities subject to more than one legal standard, these design standards have been harmonized with the Federal standards implementing the Architectural Barriers Act and with the private sector model codes adopted by most states. The changes to the design guidelines were adopted by the Access Board as a series of separate rules that were combined in the 2004 ADA/ABA guidelines. These rules addressed a variety of facilities and the revision of the Access Board's 1991 guidelines. These changes have been adopted, with some modifications, as the 2010 Standards for Accessible Design.

On March 15, 2012, compliance with the 2010 Standards will be required for new construction and alterations. In the period between September 15, 2010 and March 15, 2012, covered entities may choose between the 1991 Standards or the 2010 Standards. Note: Title II entities can also choose the Uniform Federal Accessibility Standards (UFAS). Under the "safe harbor" provision, facilities that were built or altered in compliance with the 1991 Standards or the UFAS do not have to be brought into compliance with 2010 Standards unless the facility undergoes an alteration on or after March 15, 2012. Elements for which there were no 1991 standards are not eligible for safe harbor.

Summary of Areas and Facilities Impacted by the Changes:

A. Recreation Facilities:

- Amusement rides (Sections 234, 1002)
- Recreational boating facilities (Sections 235, 1003)
- Exercise machines and equipment (Sections 206, 236, 1004)
- Fishing piers and platforms (Sections 237, 1005)

- Golf facilities (Sections 238, 1006)
 - Miniature golf (Sections 239, 1007)
 - Play areas (Sections 240, 1008)
 - Saunas and steam rooms (Sections 241, 612)
 - Swimming pools, wading pools, and spas (Sections 242, 1009)
- B. Public Facilities:
- Judicial facilities (Sections 231, 807, 808)
 - Detention and correctional facilities (Sections 232, 807)
 - Residential dwelling units (Sections 233, 809)
- C. Changes to the 1991 Standards: the 2010 ADA Standards for Accessible Design contain more than incremental changes. These changes are addressed in detail in Appendix B to the Title III regulations and in the DOJ's regulatory impact analysis. A few examples of areas impacted by these changes are:
- Children's standards (optional)
 - Slope of clear floor space and cross slopes maximum 1:48 (Sections 305, 403)
 - Standard knee and toe clearance used for all fixtures (Section 306)
 - Reach range requirements (Section 308)
 - Door surface (Section 404)
 - Maneuvering clearance required at automatic doors (Section 404)
 - Curb ramp level landings (Section 406)
 - Limited Use/Limited Application elevators instead of platform lifts (Section 408)
 - Van parking spaces (Section 502)
 - Passenger loading zones at the same level as the vehicle (Section 503)
 - Stair handrail extension no longer required (Sections 504, 505)
 - Drinking fountain knee clearance and spout height for those standing (Section 602)
 - Clustered single user toilet rooms (Sections 213, 603)
 - Single user toilet door swing (Section 603)
 - Water closet clearances and center lines (Section 604)
 - Ambulatory accessible toilet compartments (Section 604)
 - Urinals, reduced scoping (Sections 213, 605)
 - Lavatories and sinks (Section 606)
 - Bathtub seat height and width (Section 607)
 - Shower compartment thresholds and controls (Section 608)
 - Washing machines and clothes dryers (New – Section 611)
 - Detectable warnings (Section 705)
 - Automatic Teller Machines and fare machines (Section 707)
 - Assembly areas (Sections 221, 802)
 - Kitchens and kitchenettes (New – Section 804)
 - Common use circulation paths in employee work areas (Sections 203.9, 206.2.8)
 - Location of both accessible routes and accessible routes to stages (Section 206)
 - Transient lodging guest rooms (Sections 224, 806)
 - Benches, size and side transfer (Section 903)

Call your Regional ADA Center at 1.800.949.4232 for more information on the 2010 Standards for Accessible Design and to get other Fact Sheets in our nine part series!

FACT SHEET 4

Tax Incentives for Improving Accessibility



Fact Sheets in this series:

Fact Sheet 1. Who Has Obligations Under Title III?

Fact Sheet 2. Providing Effective Communication

Fact Sheet 3. Communicating with People with Disabilities

Fact Sheet 4. Tax Incentives for Improving Accessibility

Fact Sheet 5. Alternatives to Barrier Removal

Fact Sheet 6. Resources for More Information

To obtain additional copies of any fact sheet in this series, contact your Disability and Business Technical Assistance Center. To be automatically connected to your regional center, call 1-800-949-4232. This fact sheet may be copied as many times as desired by the Disability and Business Technical Assistance Centers for distribution to small businesses but may not be reproduced in whole or in part and sold by any other entity without written permission from the authors.

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FACT SHEET 4

Tax Incentives for Improving Accessibility

Two tax incentives are available to businesses to help cover the cost of making access improvements. The first is a **tax credit** that can be used for architectural adaptations, equipment acquisitions, and services such as sign language interpreters. The second is a **tax deduction** that can be used for architectural or transportation adaptations.

(NOTE: A *tax credit* is subtracted from your tax liability after you calculate your taxes, while a *tax deduction* is subtracted from your total income before taxes, to establish your taxable income.)

Tax Credit

The **tax credit**, established under Section 44 of the Internal Revenue Code, was created in 1990 specifically to help small businesses cover ADA-related "eligible access expenditures." A business that for the previous tax year had either revenues of \$1,000,000 or less or 30 or fewer full-time workers may take advantage of this credit.

The credit can be used to cover a variety of expenditures, including:

- provision of readers for customers or employees with visual disabilities
- provision of sign language interpreters
- purchase of adaptive equipment
- production of accessible formats of printed materials (i.e., braille, large print, audio tape, computer diskette)
- removal of architectural barriers in facilities or vehicles (alterations must comply with applicable accessibility standards)
- fees for consulting services (under certain circumstances)

Note that the credit cannot be used for the costs of new construction. It can be used only for adaptations to existing facilities that are required to comply with the ADA.

The amount of the tax credit is equal to 50% of the eligible access expenditures in a year, up to a maximum expenditure of \$10,250. There is no credit for the first \$250 of expenditures. The maximum tax credit, therefore, is \$5,000.

Tax Deduction

The **tax deduction**, established under Section 190 of the Internal Revenue Code, is now a maximum of \$15,000 per year a reduction from the \$35,000 that was available through December 31, 1990.

A business (including active ownership of an apartment building) of any size may use this deduction for the removal of architectural or transportation barriers. The renovations under Section 190 must comply with applicable accessibility standards.

Small businesses can use these incentives in combination if the expenditures incurred qualify under both Section 44 and Section 190. For example, a small business that spends \$20,000 for access adaptations may take a **tax credit** of \$5,000 (based on \$10,250 of expenditures), and a **deduction** of \$15,000. The deduction is equal to the difference between the total expenditures and the amount of the credit claimed.

EXAMPLE: A small business' use of both tax credit and tax deduction:

\$20,000	Cost of access improvements (rest room, ramp, 3 doors widened)
<u>-\$5,000</u>	Maximum credit
\$15,000	Remaining for deduction

FACTSHEET 2
Providing Effective Communication

Annual Incentives

The tax credit and deduction can be used **annually**. You may not carry over expenses from one year to the next and claim a credit or deduction for the portion that exceeded the expenditure limit the previous year. However, if the amount of credit you are entitled to exceeds the amount of taxes you owe, *you may carry forward the unused portion of the credit to the following year.*

For further details and information, review these incentives with an accountant or contact your local IRS office or the national address below.

FOR MORE INFORMATION...

Request IRS Publications 535 and 334 for further information on tax incentives, or Form 8826 to claim your tax credit.

Internal Revenue Service

Publications & Forms

(800) 829-3637 voice

(800) 829-4059 TTY

Questions

(800) 829-1040 voice

(800) 829-4059 TTY

Legal Questions

Office of the Chief Counsel

P&SI:6

1111 Constitution Avenue, NW, Room 5112

Washington, D.C. 20224

(202) 622-3110 voice

Agenda Item 7. – New Business

Municipal ADA Improvement Grant Program (FY 21 Grant Cycle)

8/20/2020 meeting
Agenda Item # 7

EMERGENCY ALERTS

HIDE ALERTS ^

Coronavirus Update

Stay informed about COVID-19: Latest on cases, guidance, regulations Aug. 12th, 2020, 7:00 pm [Read more](#) ↗

Travel Order: Requirements for individuals entering Massachusetts Aug. 1st, 2020, 12:00 am [Read more](#) ↗

Reopening Massachusetts: Learn more about the phased approach Aug. 7th, 2020, 12:00 pm [Read more](#) ↗



Mass.gov

Learn about the Municipal Americans with Disabilities Act (ADA) Improvement Grant Program

This Program will support capital improvements specifically dedicated to improving programmatic access and/or removing barriers encountered by persons with disabilities in applicant facilities throughout the Commonwealth.

Please Note: FY21 Cycle is OPEN. FY21 application submission period closes at 5pm on Friday, October 9, 2020.

Please Note: As of 8/7/2020, funding for the FY21 grant cycle is still being finalized. While we are confident funding will be provided and as we are opening the Application Submission Period on Monday, August 10, 2020, please be aware, at this time, the grant program's funding is not guaranteed. Notifications will be provided as we learn more and we appreciate your understanding in this matter.

The Massachusetts Office on Disability, (MOD) is pleased to announce the **Municipal Americans with Disabilities Act (ADA) Improvement Grant Program** application and selection process.

Eligible applicants include any Massachusetts city or town. These grants will support capital improvements specifically dedicated to improving programmatic access and/or removing barriers encountered by persons with disabilities in applicant facilities throughout the Commonwealth.

Grants will be awarded to successful applicants to remove barriers and create and improve accessible features and programmatic access for persons with disabilities throughout the Commonwealth.

Examples include but are not limited to increasing both physical access and programmatic access through the addition of features such as: ramps, elevators, power lifts and Limited Use/Limited Application (LULAs) signage, communication access devices, curb cuts and/or any other features that are designed to improve architectural access and/or programmatic access. Grants will be awarded on a competitive basis to projects that demonstrate real and tangible positive impacts to persons with disabilities.

Eligible Applicants

Eligible applicants include any Massachusetts city or town.

Grant Types

There are two grant types available:

- **Planning Grant:** These grants are for updating or creating a Self-Evaluation and/or Transition Plan as required under the Administrative Requirements of Title II of the ADA.
 - This grant will require the following supporting documentation at the time of application submission: (Sample forms are available in the "Municipal ADA Improvement Grants Program - Addenda" in the "Downloads" section below.)
 - Designation of a Responsible Employee (ADA Coordinator)
 - Notice of Non-Discrimination and proof of posting, and
 - An ADA Grievance Procedure
- **Project Grant:** These grants are for removal of architectural or communication barriers that are present. **Design plans or Applicant salaries are not eligible project grants.** Project Grants are purposed only to remove barriers or to make physical/communication improvements at municipal properties or municipally owned facilities. Funds awarded cannot be used to make improvements to private businesses, private property, non-profit organizations, private homes, or other non-municipal properties.

- This grant will require the following supporting documentation at the time of application submission: (Sample forms are available in the “Municipal ADA Improvement Grants Program – Addenda” in the “Downloads” section below.)
 - A completed Self-Evaluation,
 - A completed Transition Plan,
 - An ADA Grievance Procedure,
 - Notice of Non-Discrimination and proof of posting,
 - Designation of a Responsible Employee (ADA Coordinator), and
 - Detailed/Itemized cost estimates are required to be provided within the appropriate application section (Section. 3.1 of the Project Grant – “Cost Estimate”).

Please be advised, only capital related expenses will be covered. Items such as, but not limited to, design plans, feasibility studies, and applicant salaries are not eligible expenses to be covered. Those types of expenses can be in-kind services or covered by the the applicant.

Please note: Items purchased, architectural changes made, and other grant funded projects must comply with the [Massachusetts Architectural Access Board’s rules and regulations \(521 CMR\) \(/aab-rules-and-regulations\)](#) and/or the [2010 ADA Design Standards \(https://www.ada.gov/regs2010/2010ADASTandards/2010ADASTandards.htm#2004\)](#). MOD is willing to assist awarded communities with evaluating whether prospective components funded through the grant program meet these requirements. Supplying plans, drawings or spec sheets in the application process is recommended.

Grant Score Weight Considerations

- At a minimum, applicants must be a member of, or are willing to become a member of, the [Community Compact Cabinet \(/orgs/community-compact-cabinet\)](#) (CCC) to be eligible to apply for a grant.
- Municipalities that selected the [“Public Accessibility Best Practice \(/info-details/community-compact-best-practice-areas#public-accessibility-best-practice-\)”](#) option to “Undertake an Americans with Disabilities Act (ADA) Self-Evaluation and Develop a Transition Plan to comply with Federal civil rights laws that require public buildings to be accessible to persons with disabilities” under that best practice option of the CCC will

increase applicant score.

- Municipalities with a duly established Commission on Disability will increase applicant score.

Important Dates in the Application Process

August 10, 2020 – FY21 Application period begins. Only on-line submissions will be reviewed.

October 9, 2020 – FY21 Application submission period ends.

October, 2020 – Review process for FY21 Applications begins.

December, 2020 – FY21 Grant award/denial notifications will be sent.

December, 2020 – FY21 Grant contracts to be issued to awarded communities.

More Information

For questions relating to the **administration and the application process**, please contact:

Karl Bryan, Grant Compliance Coordinator

Email: Karl.Bryan@mass.gov (mailto: Karl.Bryan@mass.gov)

For questions relating to **disability related policies and procedures, architectural accessibility, and Self-Evaluation and Transition Plan particulars**, please contact:

Jeffrey Dougan, Assistant Director for Community Services.

Email: [Jeff.Dougan](mailto:Jeff.Dougan@Massmail.State.MA.US)

[@](mailto:Jeff.Dougan@Massmail.State.MA.US?subject=WEB%20-%20ADA%20Grant%20Disability%20Related%20Policies/f) (mailto:Jeff.Dougan@Massmail.State.MA.US?subject=WEB%20-%20ADA%20Grant%20Disability%20Related%20Policies/f
[mass.go](mailto:Jeff.Dougan@Massmail.State.MA.US?subject=WEB%20-%20ADA%20Grant%20Disability%20Related%20Policies/f)

[v](mailto:Jeff.Dougan@Massmail.State.MA.US?subject=WEB%20-%20ADA%20Grant%20Disability%20Related%20Policies/Pr) (mailto:Jeff.Dougan@Massmail.State.MA.US?subject=WEB%20-%20ADA%20Grant%20Disability%20Related%20Policies/Pr

CONTACT

Massachusetts Office on Disability

Address

Massachusetts Office on Disability, One Ashburton Place, Room 1305, Boston, MA 02108

Directions

(<https://maps.google.com/?q=Massachusetts+Office+on+Disability%2C+One+Ashburton+Place%2C+Room+1305%2C+Boston%2C+MA+0>)

Phone

Main 617-727-7440 (tel:6177277440)

This line is open from 9 a.m.-5 p.m. M-F. Mass relay: Dial 7-1-1 and connect via main number.

Toll Free 800-322-2020 (tel:8003222020)

This line is open from 9 a.m.-5 p.m. M-F.

RELATED

Apply for a Municipal Americans with Disabilities Act (ADA) Improvement

Grant (/how-to/apply-for-a-municipal-americans-with-disabilities-act-ada-improvement-grant)